



# FREDERICK COUNTY PLANNING COMMISSION

WINCHESTER HALL, FREDERICK, MARYLAND 21701



## AGENDA Wednesday June 8, 2011

APPROVED: \_\_\_\_\_

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### NOTICES AND REMINDERS

THE COUNTY'S LOBBYING ORDINANCE (CHAPTER 1-7.2 OF THE CODE) REQUIRES THE REGISTRATION OF INDIVIDUALS AND ENTITIES THAT QUALIFY AS LOBBYISTS. IF YOU WILL BE TESTIFYING BEFORE THE PLANNING COMMISSION, THE ORDINANCE MAY REQUIRE THAT YOU REGISTER AS A LOBBYIST. IF YOU HAVE A QUESTION AS TO THE APPLICABILITY OF THIS ORDINANCE, PLEASE CONTACT THE COUNTY ATTORNEY'S OFFICE AT (301) 600-1030.

PLEASE TURN OFF ALL CELL PHONES, PAGERS, AND OTHER ELECTRONIC DEVICES DURING PLANNING COMMISSION MEETINGS. IF YOU MUST ATTEND TO BUSINESS OR ENGAGE IN A PRIVATE CONVERSATION, PLEASE EXIT THE HEARING ROOM SO AS NOT TO DISRUPT ANY PRESENTATION OR SPEAKERS.

PRIOR TO AN AGENDA ITEM BEING HEARD BY THE PLANNING COMMISSION, ANY INDIVIDUAL THAT WISHES TO SPEAK OR TESTIFY ON THE AGENDA ITEM WILL BE ASKED TO STAND AND BE SWORN IN. EACH INDIVIDUAL TESTIFYING WILL BE ASKED TO RAISE THEIR RIGHT HAND THEN ASKED THE FOLLOWING, "DO YOU SOLEMNLY SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE TESTIMONY YOU ARE ABOUT TO GIVE WILL BE THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?". ALL INDIVIDUALS TESTIFYING WILL THEN BE ASKED TO RESPOND IN THE AFFIRMATIVE OR "I DO" THEN TO BE SEATED.

AGENDA ITEMS WILL BE REVIEWED IN SUCCESSION. IT IS THE RESPONSIBILITY OF THE APPLICANT AND OTHER PERSONS OF RECORD TO BE PREPARED TO DISCUSS THEIR AGENDA ITEM DURING THE RESPECTIVE SESSION.

APPLICANTS, APPLICANTS' REPRESENTATIVES AND CITIZENS: PLEASE BE PREPARED TO SPEAK WITHIN THE TIME ALLOTTED BY THE PLANNING COMMISSION FOR THE AGENDA ITEM WHICH YOU WILL BE TESTIFYING ON. WHEN CALLED UPON, ALL SPEAKERS WILL BE ASKED TO ADDRESS THE PLANNING COMMISSION FROM THE PODIUM.

ANYONE PRESENTING MATERIAL (PHOTOGRAPHS, LETTERS, GRAPHS, CHARTS, ETC.) TO THE PLANNING COMMISSION AT A MEETING SHOULD PROVIDE A MINIMUM OF TEN (10) COPIES FOR DISTRIBUTION TO THE MEMBERS AND STAFF.

INDIVIDUALS REQUIRING SPECIAL ACCOMMODATIONS FOR THIS MEETING ARE REQUESTED TO CONTACT THE COUNTY MANAGER'S OFFICE AT 301-600-1100 (TTY: USE MARYLAND RELAY) TO MAKE THE NECESSARY ARRANGEMENTS NO LATER THAN SEVEN (7) WORKING DAYS PRIOR TO THE MEETING. ANY CORRESPONDENCE TO THE PLANNING COMMISSION CAN BE SENT TO: [PlanningandZoning@frederickcountymd.gov](mailto:PlanningandZoning@frederickcountymd.gov)

### UPCOMING MEETINGS

#### Planning Commission Meetings/Workshops

(1<sup>st</sup> Floor Hearing Room, Winchester Hall)

Planning- Meeting, TBA

Board of Appeals-Thursdays, June 23, 2011 Meeting @ 7:00 PM

#### *Contact*

*Development Review at 301-600-1134 for preliminary/final plats, and site plan items*

*- or -*

*Planning at 301-600-1138 for re-zonings, Ag-preservation, workshops, and public hearing agenda items*

THE COMMISSION GENERALLY BREAKS FOR **LUNCH AT 12:30 P.M.** FOR MORNING/AFTERNOON SESSIONS AND FOR **DINNER AT 5:30 P.M.** FOR AFTERNOON/EVENING SESSIONS. HOWEVER, DEPENDING ON THE REMAINING AGENDA ITEMS SCHEDULED, THEY MAY MAKE A DETERMINATION TO CONTINUE HEARING ITEMS PRIOR TO TAKING A BREAK.



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ITEM	TIME	ACTION REQUESTED
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**9:00 A.M.**

**1. EXECUTIVE/CLOSED SESSION**

Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Topic: To discuss with staff and the county's attorneys the status of pending lawsuits.

**10:00 A.M.**

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| <b>2. <u>MINUTES</u></b>                         | <b>APPROVAL</b>      |
| <b>3. <u>PLANNING COMMISSION COMMENTS</u></b>    | <b>INFORMATIONAL</b> |
| <b>4. <u>AGENCY COMMENTS/AGENDA BRIEFING</u></b> | <b>INFORMATIONAL</b> |
| <b>5. <u>LOU AMENDMENT</u></b>                   | <b>DECISION</b>      |

- a) [Linton PUD](#) – Proposed Fifth Amendment of the APFO Letter of Understanding (LOU). The applicant asks for a reconsideration of the timing of construction completion for its multiple road improvement requirements. Located along both sides of MD 351, immediately north of Elmer Derr Road. Zoned: Planned Unit Development (PUD); Adamstown Planning Region; Tax Map 85/86 / Parcels 25/44; AP # 7828; Kathy Mitchell



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### 6. MISCELLANEOUS REQUEST

### DECISION

- a) [William Henry Owens III and Lynn Marie Owens, Section 1, Lot 2 and Remainder](#) - Requesting a road adequacy modification in accordance with Section 1-16-12 (B) of the Subdivision Regulations to allow a one lot minor subdivision on a travel way that falls between 14 feet and 16 feet in width. Located on the East side of Repp Road, north of Molasses Road. Zoned: Agricultural (A); Walkersville Planning Region; Tax Map 43 / Parcel 37; AP# 11813; Mike Wilkins

### 7. SITE PLANS

### DECISION

- a) [Mount Saint Mary's Solar Array](#) - The applicant is proposing to construct an un-manned solar array farm consisting of 220,000 solar panels, on a 135.84-acre tract. Located at the corner of College Ave and Old Frederick Road. Zoned: Agricultural (A); Thurmont Planning Region; Tax Map 8 / Parcel 48; AP# 11643; Tolson DeSa
- b) [Sheetz Convenience Store](#) - This applicant is requesting site plan approval to construct a 5,686 square foot convenience store and gasoline dispensing pumps. The plan proposes to remove the existing used car facility located on the site. Located at the corner of MD RT 85 and Francis Scott Key Drive. Zoned: General Commercial (GC); Frederick Planning Region; Tax Map 77 / Parcel 322; AP# 11706; Tolson DeSa
- c) [Beckley's Camping Center](#) - The applicant is proposing to construct a 40' X 60' sales building as well as additional parking areas for RV repair and storage. Located at the corner of US Rt. 15 and Angleberger Rd. Zoned: General Commercial (GC)/Agricultural (A); Thurmont Planning Region; Tax Map 448 / Parcel 40; AP# 11464; Tolson DeSa
- d) [Boyers Mill Road Cell Tower](#) - The applicant proposes to construct a 141' foot monopole, with equipment shelter within a fenced compound on a 31.73-acre site located along Boyer's Mill Road. The applicant received special exception approval from the Board of Zoning Appeals (B-10-11) on 11/18/10. Located along Boyers Mill Road, north of Eaglehead Drive. Zoned: Agricultural (A); New Market Planning Region; Tax Map 69 / Parcel 153; AP# 11618; Rick Brace



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**8. 2010 ANNUAL PLANNING REPORT**

**DECISION**

- a) Staff will present the Annual Report for 2010, which highlights Planning and Development Review activities for 2010; Jim Gugel